

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

LED TECH DEVELOPMENT LLC)

Plaintiff,)

v.)

HOME DEPOT U.S.A., INC.)

Defendant.)

C.A. No. 12-cv-01260 (SLR)

**DEFENDANT HOME DEPOT U.S.A., INC.'S
MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM**

Defendant Home Depot U.S.A., Inc. moves this Court, pursuant to Federal Rule of Civil Procedure 12(b)(6), to dismiss the Complaint filed against it by LED Tech Development LLC for failure to state a claim upon which relief can be granted. The grounds for this motion are fully set forth in the accompanying opening brief.

Dated: January 10, 2013

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